SINGLE BENCH (4)

(1) C.S. 2001

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO. 4277 /2006

PETITIONER

1. Chandra Shekhar Singh,
S/O. Shri Rambachan Singh,
aged about - 49 years.
Upper Division Teacher,
Govt. Modern (T.W.D.)
Higher Secondary School Baikunthpur
Distt. Korea (C.G.)

2. Ramashanker Sahu,
S/O. Shri Haldhar Sahu,
aged about - 41 years.
Upper Division Teacher,
Govt. Boys Meddle School
Domanhill. Tehsil - Manendragarh
Block - Khadgava,
Distt. Korea (C.G.)

P.R. No. 4334/06
Presented by Shri Anil Singh
dated 9.8.06

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through - The Secretary,
Department of Education,
D.K.S. Bhawan,
Raipur (C.G.)

2. Commissioner,
Tribal Welfare Department,
Chhattisgarh Govt. Raipur (C.G.)

3. Commissioner
Public Instruction
Raipur (C.G.)

RECEIVED-COPY
8/8/06
CLERK to A. G. BILASPUR

(5)

(2)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(47)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.4277 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

[redacted] का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14-8-2006

Shri Anil Singh Rajput, counsel for the petitioners.

Shri Satish Gupta, Deputy Govt. Advocate for the State/ respondents, on advance copy.

Heard.

The petitioners who are Upper Division Teachers working since 1994 have preferred this writ petition under Article 226/227 of the Constitution of India with a prayer that the respondents be directed to allow Dearness Allowance and House Rent Allowance to the petitioners as has been granted to the similarly situated persons.

The case of the petitioners is that the petitioners were appointed as Upper Division Teachers by the erstwhile State of Madhya Pradesh in the year 1994 on probation for a period of two years and after completion of two years period their services were regularized, but, the Dearness Allowance and House Rent Allowance are not being paid to them and two years probation period has also not taken as a regular period. The Upper Division Teachers who were appointed in the year 1994 approached the State Administrative Tribunal by filing Original Application No.1452/1998 and the same was decided on 31-1-2000 and the Government was directed to pay regular pay scale during the probation period and other admissible increments. The other teachers made a representation to the Department and they have also been given the benefit. This Court also gave a direction to consider the representation of the Upper Division Teachers in W. P. No.1890/2003.

Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to the respondents to give similar treatment to the petitioners and the same pay scale which have been

P.T.O.

XI-HC-78

(42)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal vide order dated 31-1-2000 to which learned counsel for the State/respondents has no objection.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, and without expressing any opinion on the merit of the case, the limited prayer made by counsel for the petitioners appears to be just, fair and reasonable. Therefore, the petitioners are allowed to make a detailed representation to respondent No.2 annexing a copy of this writ petition within a period of two weeks from today and in turn, respondent No.2 shall decide the representation of the petitioners within a period of two months from the date of its receipt, in an objective manner, considering and examining the points raised by the petitioners, on its own merit and pass appropriate order.

With the direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Barve

18.8.06
12.8.06

P.T.O.